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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,094	04/02/2004	Rohit V. Gaikwad	15272US02	2127
23446 7590 09/27/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER LU, ZHIYU	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/817,094	Applicant(s) GAIKWAD ET AL.	
	Examiner Zhiyu Lu	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding rejection on claim 1, Applicants have argued that Kim does not anticipate "wherein the adjusting comprises modifying at least one threshold related to the processing of receive signal strength indicator data used in the operation of the radio frequency communication system" but rather teaching a threshold based on the attenuation of the T/R switch and a maximum input power level.

However, the Examiner does not agree. In paragraph 0044, Kim discloses that a high powered signal strength threshold is based on the attenuation of the T/R switch and a maximum input power level. Also, Kim discloses that the high powered signal strength threshold is used to compare with a measured signal strength of an inbound RF signal (RSSI). As Figs 2-7 shown, the adjustment involving RSSI measurement and threshold comparison disclosed by Kim is part of operation of the receiver. So, Kim does anticipate the limitation. Thus, the rejection is proper and maintained.

Regarding rejection on claim 15, Applicants have argued that Kim does not anticipate "the radio frequency communication system adjusting at least one characteristic of the receive signal strength indicator using the switching circuitry and the transmitter circuitry." However, the Examiner does not agree. Kim discloses calibrating reception with attenuation of a T/R switch, where affects attenuation of inbound RF signal (paragraphs 0012-0013). So, the attenuation of the T/R switch leads to adjusting at least one characteristic of the receive signal (inbound RF signal) strength indicator.

In the claim, Applicants are claiming "a radio frequency communication system comprising: ...". Yet, in the arguing limitation, Applicants seem to place "the radio frequency communication system adjusting at least..." as a component of itself, "a radio frequency communication system".

Nevertheless, the whole invention of Kim is about calibrating reception with the transmitter circuitry. So, during the process of making adjustment, the transmitter circuitry is definitely in use because no adjustment can be made without the transmitter circuitry sending test RF signal. Also, the switching circuitry is a T/R switch, which means it can be considered as part of the transmitter, at least for the transmission part. Therefore, Kim anticipates the adjusting made by the radio frequency communication system uses the switching circuitry and the transmitter circuitry.

Thus, the rejection is proper and maintained.

And the same reasoning goes to the remaining claims..

Zhiyu Lu
(571) 272-2837



NAY MAUNG
SUPERVISORY PATENT EXAMINER